IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1553 OF 2005
IN
SECOND APPEAL NO.1035 OF 2005

Mr Baji Daji Kachare ...Applicant
Vs.
Shri Vithoba Shankar Masal & Ors. ...Respondents

Mr Dilip Bodke for the Applicant.
Mr P.M. Mokashi for the Respondents.

CORAM : A. S. OKA, J.
DATE : APRIL 04, 2006.

P.C.:

1. Heard the Advocates appearing for the parties. The learned Counsel appearing for the Respondents pointed out that the decree for perpetual injunction passed by the Trial Court in favour of the Applicant was stayed during the pendency of the Appeal preferred in the District Court. He states that during the pendency of the suit there was no injunction granted in favour of the Applicant. He submitted that the Respondents are in possession of the suit property.

2. Shri Bodke appearing for the Applicant stated that the Second Appeal has been admitted for final hearing and on prima facie consideration of the material on, record this Court has granted ad-interim relief on 08th September, 2005 which cannot be vacated.

3. I have considered the submissions. It is an accepted position that during the pendency of the Appeal in the District Court, the decree for perpetual injunction passed by the Trial Court in favour of the Applicant was stayed. The District Court has set aside the decree of injunction passed by the Trial Court.

4. Considering the fact that the Second Appeal is admitted, both the parties will have to maintain status-quo as of today in respect of the suit property.

5. Hence, Civil Application is disposed of by passing following order:

(i) Both the parties will maintain status-quo as of today in respect of the suit property described in paragraph No.1 of the plaint till the final disposal of the Second Appeal. There will be no orders as to costs.

JUDGE